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Towards centenary of parliamentarism in independent Finland

1. Eduskunta in the system of constitutional authorities in independent Finland

Upon proclamation of independence, Eduskunta became a legislative and executive authority at the same time. This reality, regardless its incompatibility to the Instrument of Government of 1772 (i.e. from the time when Finland was part of the Swedish monarchy), which was not formally repealed, could not have been maintained. As a result of the civil war in which two concepts of an independent state collided: the leftist concept and the right and national concept, adoption of a new constitution was postponed.

The earliest decisions of a systemic character were made in 1918. Eduskunta in reduced composition (108 out of 200 representatives) decided to appoint President of the Senate, P.E. Svinhufvud, to the position of regent, as well as to invite to the Finnish throne German prince Frederick Charles of Hesse (what could indirectly lead to strengthening bonds with Germany). Defeat of Germany in the World War I resulted in revision of this concept. P.E. Svinhufvud, criticised for erroneous geopolitical concepts, resigned on 10th December 1918. Also the Senate, which opted for monarchy, resigned, and prince Frederick Charles renounced the Finnish throne. On 14th December 1918 Carl Gustaf Mannerheim became the new regent.

At the same time pro-republican moods intensified. In new elections to Eduskunta, which were held in March 1919, majority of seats was won by

social democrats (80 seats) and the Agrarian League (42 seats), i.e. parties which wanted Finland to become a republic[1].

The major aim of the newly elected parliament was to elaborate and adopt the basic law which would replace the outdated Instrument of 1772. The basis of constitutional committee's works (presided over by K.J. Ståhlberg) became the project of the constitution of 1907 (developed as a result of constitutional movement led by L. Mechelin).

Eduskunta adopted the new constitutional law – in the typical for Sweden and Finland shape of Form of Government Act on 21st June 1919. The new constitution was approved by regent C.G. Mannerheim on 19th July 1919 and on this day it entered into effect[2].

The Act of 19th July 1919 confirmed that the basis of constitutional system is the principle of the peoples' sovereignty, as well as representative form of exercising power. Only the parliament – Eduskunta – was the authority which exercised the peoples' sovereignty[3]. Nevertheless, Parliament was not the only body of legislative power, as in accordance with Section 2 sentence 2 of the Act: "Legislative power shall be exercised by Parliament in conjunction with the President of the Republic". In the sphere of legislation the President obtained the right of legislative initiative, as well as the right of a suspensory (suspensive) veto.

The specificity of constitutional system of Finland – according to the Act of 1919 – was a relatively strong position of the President of the Republic. The constitution entrusted to the President exercising highest executive power, supervising State administration (Section 32), governing relations between Finland and foreign states (Section 33), and commanding the Armed Forces (Section 30). Function of a running management and leading the State administration was entrusted by the Act of 1919 to the Council of State (government) which included the Prime Minister and the number of Ministries "required for the different branches of administration" (Section 38).

The unicameral parliament – Eduskunta was to be elected for a three-year term of office in general, direct, equal and proportional ballot. All citizens, including women, who attained the age of 24 had the right to vote. Legitimisation of the President's authority was slightly weaker, as he was elected in indirect ballot by the electoral college appointed for this purpose[4]. It was

[1] J. Nousiainen 1971: *The Finnish Political System*, Cambridge, Mass, p. 146.

[2] N. Herlitz 1969: *Elements of Nordic Public Law*, Stockholm, pp. 29, 34–35; C.G. Mannerheim 1996: *Wspomnienia*, Warszawa, p. 141, and following.

[3] S. Sagan and V. Serzhanova accurately point that question in: *Konstytucja Finlandii*, Rzeszów 2003, p. 35.

[4] J. Osiński writes (per saldo) about 'comparable legitimisation of the president's power'. See his "Wstęp" [Introduction], (in:) *Konstytucja Finlandii*, Warszawa 1997, p. 24. There should

in a way compensated by a two times longer term of office which lasted six years.

The principle of general – however indirect – election of the President was suspended for one time (in favour of the parliament). As rules of electors election were not passed, the first president of the Republic was elected by Eduskunta. Respective regulations – law on election of the President of the Republic of 22nd February 1924 and law on electoral districts and number of electors of 4th July 1924 – were adopted not until the fifth year since establishment of the Act of 1919[5].

Interpretation of Section 2 of the Act of 1919 leads to conclusion that the constitutional lawmaker was not consequent. In Section 2 sentence 1 it gives to Eduskunta attributes of the authority which represents the people as a community, which is entrusted with the sovereign power. Such approach may lead to conclusion about the parliament's primacy in the system of the State's authorities. On the other hand, division of powers, as well as method of election of the President of the Republic (by electoral college which was independent from the parliament and elected in general ballot[6]) excluded supremacy of Eduskunta. Also the fact that the President of the Republic had "the highest executive power" was an obstacle to assume the supremacy of Eduskunta.

Political practice in Finland, both in the period between World War I and World War II, and directly after World War II, confirmed the tendency to strengthen the President's position in the political system of Finland. The President – elected out of the parliament, with wide competences and not responsible before the parliament, became a strong and stable pillar of the constitutional system, what was additionally strengthened by personalities of many presidents (K.J. Ståhlberg, L.K. Relander, P.E. Svinhufvud, and after World War II – C.G. Mannerheim, J.K. Paasikivi and Urho K. Kekkonen).

Strong and independent position of the President (additionally strengthened by the six-year term of office) did not exclude a relevant influence of parliament. The significance of Eduskunta was expressed by entrusting this body with an element of legislative power. In accordance with Section 20 of the Act of 1919, Eduskunta could not only pass ordinary laws: it could as well pass – complying with special procedure – constitutional acts (laws).

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be however made a distinction between 'the power' of legitimisation and political position of the president, indeed strengthened (mainly by duration of the term of office) and prerogatives.

[5] See: K. Törnudd 1968: *The Electoral System of Finland*, London, p. 35, and following; M. Grzybowski 2001: *Eduskunta – parlament Finlandii*, Warszawa 2001, p. 10, footnote 4.

[6] Apart from the one case of election of the first president of Finland, K.J. Ståhlberg, by Eduskunta. See: M. Grzybowski 2007: *Finlandia. Zarys systemu ustrojowego*, Kraków, p. 111.

Form of Government Act of 1919 indirectly introduced the rule of parliamentary system. Section 36 of the Act prescribed that "the members of the Council of State must enjoy the confidence of Parliament". Also the way in which the Council of State was formed indicated the vital influence of parliament. On the basis of Section 36 sentences 2 and 3 of the Act, "after consulting the various parliamentary factions, the President shall appoint citizens of Finland known for their honesty and ability to serve as members of the Council of State. Should the composition of the Council of State undergo significant changes, the Speaker of Parliament and the various parliamentary factions shall be consulted as to the situation and Parliament shall be in session".

The cited wording of the original Section 36 indicated that political composition of the parliament and significance of the parliament's confidence were taken into account for effective operation of the government. At the same time, it did not result directly from the wording of Section 36 when and in what form the parliament's confidence should be expressed, nor what type and consequence to the government (Council of State) should have the loss of parliament's confidence. Wording of Section 36 sentence 1 leaded to conclusion that the requirement of Eduskunta's confidence was addressed by the constitutional lawmaker to particular members of the Council of State, and not to the Council of State as a body.

The indicated conciseness, as well as a kind of ambiguity of Section 36 of the Act became a background for few amendments. Particularly, in the situation of constitutional understatements, as well as lack of stability of coalition cabinets, caused by a political division in Eduskunta, together with impermanence of interparty agreements, it was necessary to modify (and improve) constitutional rules regarding relations between the Council of State and its chairperson – the Prime Minister, and the President of the Republic. In Sections 36a–36c, added to the Form of Government Act, there were introduced rules which ordered (and clarified) relations between Eduskunta, the President, and the Council of State.

In accordance with Section 36a[7], added by means of amendment of 22nd July 1991, "the Council of State shall without delay present Parliament with a statement of its programme. The same procedure shall be followed if the composition of the Council of State undergoes significant changes". These provisions gave Eduskunta basis for assessment of governmental programme, both at the moment of primary construction of the cabinet, and when significant reconstructions were performed.

[7] See: *Konstytucja Finlandii* (Polish translation [from Swedish] and introduction by J. Osiński), Warszawa 1997, pp. 86–87.

The other amendment of the same date involved regulation of the procedure as well as consequences of changes in the composition of the Council of State. On the basis of Section 36b of the constitution "Upon request the President shall release the Council of State or a member thereof from service and may do so without prior request, if the Council of State or a member thereof no longer enjoys the confidence of Parliament. At the initiative of the Prime Minister the President may also release a member of the Council of State from service for other reasons".

Provisions of Section 36b sanction the rule of requirement of parliamentary (majority of the parliament) confidence to the government (the Council of State) *in corpore*, as well as to particular members of government. Undoubtedly they confirm the form of parliamentary system. At the same time they provide a new element of dependency and responsibility, i.e. requirement for each member of government (the Council of State) to have confidence of the Prime Minister. This requirement is stated indirectly (precisely: from the negative side) and comes down to regulation providing that the Prime Minister may effectively request that the President releases a member of the Council of State who lost confidence (support) of the Prime Minister from service.

In 1995 there was another amendment, the aim of which was to precise conditions for being a member of the Council of State, and which introduced incompatibility of this position with functions which may have a negative impact on performance of minister's obligations or which could undermine confidence to their activity in such character. This requirement is followed by the duty to immediately file the parliament with a proper statement (which is controlled by the parliament).

Section 43 of the Act of 1919 provided an additional element of responsibility of the members of the Council of State (government) for "official acts". According to this provision the members of the Council of State were responsible for their official acts to parliament. The cited provision made it possible however to avoid such responsibility. It provided that "each member of the Council of State who has participated in the consideration of a matter in the Council of State shall be responsible for the decision" (what involved a joint responsibility); nevertheless it guaranteed the possibility to discharge of such responsibility to a member of the Council of State who has notified his dissenting opinion for inclusion in the minutes.

The constitutional regulation (with separate regulation of Eduskunta operation in the form of Parliament Act of 13th January 1928, which was repeatedly amended[8]) indicated the conjunction of the model of parliament-

[8] In the period of 1928–1995 there were 33 amendments of the Parliament Act. The most important of them were adopted on: 31st May 1937, 5th November 1948, 6th November 1964,

ary system with a semi-presidential one in the Finnish political system. The Parliament (Eduskunta) was perceived as a constitutional lawmaker and essential centre for adopting laws. Also the questions of deciding on the matter of a consultative referendum (Section 22a of the Act, amended in 1987), and approval of specified categories of international treaties[9] were brought to competences of Parliament. Particularly, the requirement of Parliament's approval concerned all treaties which contained provisions within the legislative sphere, also decisions concerning war and peace, and – what's more – on the basis of Section 33a of the amended Form of Government Act[10] – preparation of solutions which regard Finland (as the State) and are made by international organisations.

2. Eduskunta in the constitution of Finland of 11th June 1999

It was in 1990 when Eduskunta – as the constitutional lawmaker – adopted a resolution in which it obliged the government to prepare a general constitutional reform. The aim of the started works was to implement balance of powers in a more comprehensive way, as well as to strengthen the position of parliament, particularly in its relation to government (the Council of State). In another resolution of Eduskunta, adopted in 1992, there was a summons that authors of the new constitution "parliamentarise the authority of the President of the Republic"[11].

In the first half of 1990s studies were carried out over various variants of the scope and manner of implementation of the constitutional reform. In 1994 the Constitutional Committee of Eduskunta introduced a suggestion in its report to merge dispersed constitutional regulations in a single constitution. It defined as well a time period which limited carrying out works over the reform – the beginning of 2000.

10th January 1969, 7th July 1970, 10th November 1971, 12th May 1972, 23rd February 1973, 3rd June 1976, 23rd February 1979, 8th February 1985, 13th March 1987, 26th June 1987, 31st December 1987, 23rd March 1989, 22nd July 1991, 6th March 1992, 18th June 1993, 3rd March 1995, 17th March 1995, 17th July 1995 and 22nd December 1995. Intensification of amendments in the past three decades may be understood as a symptom of 'aging' of the Act of 1928 and the need of its improvement. See: M. Grzybowski 2001: *Eduskunta – parlament Finlandii*, op. cit., p. 13.

[9] Although the leading role in the sphere of international relations was guaranteed for the President of the Republic (Section 33).

[10] This provision was added by the constitutional law of 10th December 1993, amending the Form of Government Act.

[11] See: J. Nousiainen 2001: "The Finnish System of Government: from Mixed Constitution to Parliamentarism", (in:) *The Constitution of Finland*, Helsinki, p. 23.

In the governmental project of the new constitution, which was presented to Eduskunta in 1994, there were provisions favourable to the position of parliament: unambiguous dependency of government from the Parliament's confidence (parliamentary majority), change of the procedure of appointing the Prime Minister and government (and transferring the initiative to the Speaker of Eduskunta from the President of the Republic). Governmental proposals were however withdrawn form Eduskunta by new government led by social democrat Paavo Lipponen in 1995, who declared at the same time that there would be a new project[12].

The newly established working group (presided over by the secretary general of Eduskunta, Seppo Tiitinen) decided to limit the scope of constitutional regulations (however with the intention to establish a single constitutional act without division into the Form of Government Act and Parliament Act). Referring to works of the Constitution 2000 working group on 18th January 1996 a parliamentary Committee for Constitution 2000 was established (presided over by Paavo Nikula)[13]. This committee presented (on 17th June 1997) its project of a comprehensive constitutional regulation. In turn, the government, referring to works of the committee, introduced a governmental project and presented it to Eduskunta on 6th February 1998. This project was processed by the Constitutional Committee of Eduskunta. The Committee introduced numerous modifications to the governmental project (including change of its title from: *Suomenhallitusmuoto* (Government Form of Finland) to: *Suomen perustuslaki* (Constitution of Finland).

The modified project, approved by the Constitutional Committee (on 21st January 1999) was adopted almost unanimously by Eduskunta on 12th February 1999 (with the majority required in third reading by Section 67 of the Parliament Act). According to requirements typical to Nordic States, the future of this project depended on its approval by the subsequent parliament during its first ordinary session after the election. In elections held on 21st March 1999, won the pro-constitutional coalition of five parties, therefore the outcome of vote was practically known. On 4th June 1999 in the second vote in favour of the constitution voted 175 representatives (and 2 representatives voted against). President Martti Ahtisaari signed the constitution on 11th June 1999. On the basis of Section 130 it entered into force on 1st March 2000 derogating on this day four constitutional acts which had been so far in force. On 1st March 2000 entered into force new Parliament's Rules of

[12] "Författningsreformen får vänta", *Nordisk Kontakt* 1995, No 12, p. 38; J. Osiński 2003: "Wstęp" [Introduction], (in:) *Konstytucja Finlandii z 1999 roku*, Warszawa, p. 26.

[13] "Ny grundlag år 2000", *Nordisk Kontakt* 1996, No 1.

Procedure, which – contrary to the previously binding Parliament Act of 1928 – is not a regulation of constitutional character[14].

In accordance with declarations which accompanied constitutional debate in Finland in the 1990s the constitution of 11th June 1999 emphasizes the position of parliament. On the basis of Section 2 point 1 of the constitution, Eduskunta is treated as representation of the sovereign – the people, what unambiguously results from the wording: "The powers of the State in Finland are vested in the people, who are represented by the Parliament".

The abovementioned provision determines the position of Eduskunta in the system of constitutional authorities of the State, as well as enables stating that it has the decisive role in situations which are not directly determined by the people – the sovereign. The competence of exercising legislative power is specified more clearly, and without participation of the President of the Republic. Where the Form of Government Act of 1919 stated that "legislative power shall be exercised by Parliament in conjunction with the President of the Republic", Section 3 point 1 of the new constitution unambiguously provides that "the legislative powers are exercised by the Parliament, which shall also decide on State finances".

The new constitution preserved the current competences of Eduskunta in the sphere of constitutional law-making. It is specified in Section 73 of the Constitution which provides that Eduskunta may amend or supplement the Constitution. The government or representatives may initiate this process. The Constitutional Committee of Eduskunta shall issue a report on amendment proposals. Upon approval by the Constitutional Committee the proposal shall be voted (in the second reading) by Eduskunta, and then shall be presented at the first parliamentary session following parliamentary elections. The newly elected parliament hears opinion issued by the new Constitutional Committee; having heard the opinion it can approve the proposal of a constitutional act (in one reading) with the majority of 2/3 of the votes cast[15]. The constitution allows implementation of amendments (supplementations) of the constitution in the urgency procedure what requires approval of 5/6 of the votes cast. The essence of the urgency procedure is resignation from waiting for approval of amendments to the constitution by the majority of two thirds of the newly elected Eduskunta.

As regards law-making there is a clearer distinction in the new constitution between ordinary laws and tax laws.

When it comes to ordinary laws, the constitution grants the right of legislative initiative to the government and representatives[16]. Comparing to the

[14] J. Osiński 2003: "Wstęp", (in:) *Konstytucja Finlandii z 1999 r.*, op. cit., pp. 27–28.

[15] See: Section 73 sentence 2 of the constitution of Finland of 11th June 1999.

[16] See: Section 70 of the constitution of 11th June 1999.

former regulation, the President is deprived of independent right of a legislative initiative. The President may only participate – during sessions of the Council of State (government) – in developing the legislative proposal. A legislative motion (which includes prepared legislative proposal) is discussed in so called transferring debate, and then – moved to a proper standing committee which shall give an opinion (recommendation). The transferring debate is not the first reading, as its goal is only to bring the proposal, after learning its content and scope – to a proper committee.

In the first reading, the report of the Committee shall be presented and a general debate is held. Each proposal is presented after the first reading to the Grand Committee (composition of which reflects political composition of Eduskunta). The Committee considers the project as well as motions and proposals moved during the first reading *in pleno*. In the second reading recommendations of the committee and opinion of the Grand Committee are confronted. After that Eduskunta runs a detailed debate on the proposal and results of works in committees. These works are concluded with a vote on the legislative proposal (in the second reading). The Grand Committee may recommend to reject the proposal or to adopt it with alterations. First of the recommendations of the Grand Committee leads to the end of legislative process. Moreover, when there are discrepancies in the second reading, the legislative proposal may be brought once again to the Grand Committee which is entitled to recommend adopting the proposal in the approved form, make alterations or reject the proposal as a whole. Eduskunta decides on accepting or rejecting alterations made by the Grand Committee[17].

An Act adopted by the Parliament shall be submitted to the President of the Republic. The President may depend signing the law on positive opinion issued by the Supreme Court or the Supreme Administrative Court[18]. The President shall decide on the confirmation within three months of the submission of the Act or – exercising his right of veto – send it back to Eduskunta. If the Parliament readopts the Act without material alterations, it enters into force without confirmation. If the Parliament does not readopt the Act, the President's veto enters into effect and the law shall be deemed to have lapsed.

Quite atypical is procedure applied in the case when the President of the Republic has not confirmed an Act within the time provided, and – at the same time – has not refused to confirm it. The Act is without delay taken up for reconsideration in the Parliament (Section 78 of the constitution). Once the pertinent report of the Committee has been issued, the Act shall be

[17] See: Section 53 of the Parliament's Rules of Procedure, in force since 1st March 2000.

[18] See: Section 77 of the constitution of 11th June 1999.

adopted without material alterations or rejected. The decision is made in plenary session in one reading with the majority of the votes cast.

On the basis of chapter 7 of the Constitution of 1999, Eduskunta is the only authority entitled to issue Acts which impose taxes, charges, customs and other payments to the State, as well as decide on the State budget. The Finance Committee issues recommendations referring to the budget proposal and other Acts related to the budget. Alterations to these types of Acts shall be moved by representatives in writing and within reasonable time. Motions for new expenditures shall contain their financing sources. Assessment of budgetary motions moved by representatives[19] and their harmonisation with the governmental proposal is performed by the Finance Committee.

The Constitution of Finland of 1999 significantly increased creation and controlling competences of Eduskunta, particularly when it refers to the government.

Prime Minister (Chairperson of the Council of State) is now nominated by the Speaker of Eduskunta, and then elected by the parliament[20]. This means that nomination depends of political composition of Eduskunta and confidence of parliamentary majority. Contrary to the previous regulations, the key role in proposing (choosing) members of the government is played by the Prime Minister. He negotiates candidates for ministers with leaders of parties which form the governmental majority (generally – coalition majority)[21] without the assistance of the President of the Republic or Speaker of Eduskunta. The Prime Minister represents the government before Parliament and the President. His actual role in the government depends on composition of the political forces in a governmental coalition, as well as individual political position of the Prime Minister.

The new constitution of Finland requires that both the Prime Minister and other members of government (the Council of State) must enjoy the confidence of the Parliament[22]. Position of the Prime Minister however is specific. Lack of confidence for the Prime Minister and his resignation results in resignation of the whole government. The Prime Minister submits to the Parliament programme of the government, as well as corrections of this programme which follow an essential alteration of the government[23]. Parliamentary practice shows which reconstruction of government should be considered

[19] Representatives to Eduskunta enjoy they right to file budgetary motions number of which reaches ca. one thousand.

[20] Section 61 of the constitution of 1999.

[21] P. Nyholm 1972: *Parliament, Government and Multi-Dimensional Party Relations in Finland*, Helsinki, pp. 20–22.

[22] See: Section 68 of the constitution of 11th June 1999.

[23] See: Section 62 of the constitution of 11th June 1999.

essential and – in effect – resulting in the necessity of submitting to Eduskunta corrections of the governmental programme. Speaker of Eduskunta participates in consultations which precede either formation of government or its reconstruction (it refers to both ministers who are heading a governmental department[24] and "supplementary" ministers).

The government reports to Eduskunta budget performance and the country's financial situation (governmental report is verified by parliamentary auditors chosen by the Parliament out of representatives, as well as an independent National Audit Office). Eduskunta also gives consent to disposal or acquisition of assets by the State Treasury.

In the course of parliamentary debate on government's reports and statements, Eduskunta exercises control over the government and the State public administration. The government shall submit to Eduskunta reports concerning:

a) management and the State finances,

b) joint security policy and foreign policy within the European Union,

c) performance of the State budget (annually),

d) other aspects of the government activities directly aiming at performance of parliament's resolutions.[25]

In exercising the control function Eduskunta is supported by the Parliamentary Ombudsman appointed by the Parliament, as well as standing committees which are entitled to receive necessary information from authorities of executive power[26]. A group of at least 20 representatives may address the government or a member of government with a written interpellation which involves the obligation to give an answer within 15 days. Upon a debate concerning an answer to interpellation, a vote of confidence regarding the interpellation's addressee is held. In Finnish parliamentary practice, interpellations are not considered as an instrument of political battle, and their submission generally aims at improvement of the government's and its members' operation.

There are also milder instruments of parliamentary control, i.e. written questions addressed by representatives to members of government (with the obligation to give a written answer within 21 days) and questions asked during a plenary debate. It was the tradition of Eduskunta that representatives

[24] Act on the Council of State of 1922 as amended indicates at least 12 ministers. Supplementary ministers deal with a distinguished range of issues within a ministry; in the Council of State their position does not significantly differ from the position of ministers who are heading a governmental department.

[25] See: Section 46 of the constitution of Finland of 11th June 1999.

[26] See: Section 47 of the constitution of 1999 and Sections 39–40 of the new Parliament's Rules of Procedure (of 1999).

used this form of receiving information on each first Thursday of a month; nevertheless the new Parliament's Rules of Procedure provides that the Council of the Parliament's Chairpersons have the right to make this instrument "available" to representatives during each parliamentary debate. Public character of the asked questions provides them with considerable social response what involves effectiveness of influencing offices and institutions of the governmental administration.

On the grounds of the constitution of 1999, President of the Republic has significantly reduced competences. Particularly, the President has no longer impact (now it is competence of Eduskunta and its Speaker) on designating the Prime Minister and dismissing members of government (it may happen only upon a motion of the Prime Minister or a request made by a member of government[27]). Loss of parliament's confidence inevitably results in dismissal of the government, and the President cannot, as previously, limit the dismissal only to some ministers or refuse to dismiss them.

Within the Council of State the President cannot refuse to consider – as it was on the grounds of the Act of 1919 – a proposal of the Council member. He may only block making a decision by the Council and cause that the proposal is once again considered.

Still, the President has competences which are significant for Eduskunta, which are: the right to decide on pre-term parliamentary elections (in specified cases), the right (limited in 1999) to issue decrees on the basis of empowerment stated in the constitution or in an act, similar right to issue decrees has as well the Council of State (however it enjoys the constitutional presumption of priority in case there is not indicated an authority which should issue a decree).

The new constitution gives the President no discretionary powers when it comes to the obligation to dismiss the government which failed in confidence vote or when Eduskunta passed vote of no confidence. Also the President's competences regarding the possibility of dissolution of parliament and deciding on pre-term elections were limited. Similarly to amendment of the Act of 1919 made in 1991, the constitutional lawmaker limited dissolution of Eduskunta by the President solely to the event when the Prime Minister demands so, and provides reasons for such demand, and obligatory consultations held by the President with the Speaker of Eduskunta and leaders of parliamentary fractions did not change the President's intension to accept the Prime Minister's request.

[27] See: Section 64 of the constitution of 11th June 1999.

3. A few final conclusions

The presented evolution of constitutional regulations and parliamentary practice in Finland leads to a few conclusions:

Firstly, it convinces about liveliness of the tradition of functioning political representation of particular groups, and then – the people, regardless the level of political independence and submission to foreign power (what indicates a kind of favourable disposition of society towards parliamentary institutions).

Secondly, since the moment of gaining independence it has emphasized the aims to preserve a significant scope of power for Eduskunta (mainly in the sphere of law-making and public finances), although there is parallel tendency to stabilise the executive power and consolidate the position of the head of the state – the President of the Republic.

Thirdly, constitutional reforms which were carried out in Finland in the 1990s, and particularly the new constitution of 11th June 1999, consist a symptomatic example of a kind of withdrawal from attempts to build in Finland (partially: *via facti*) a mixed system: presidential-parliamentary. The constitution of 1999 must be interpreted as a fundamental change – towards modernised but distinct parliamentary system.

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Abstract

Towards centenary of parliamentarism in independent Finland

Shortly after proclamation of Finland's independence, Eduskunta became, for the short period of time, the highest authority in the Finnish state. It decided to appoint P.E. Svinhufvud to the position of regent and to invite German prince Frederick Charles of Hesse to the Finnish throne. Due to military defeat of Germany and their erroneous geopolitical concepts both Svinhufvud and Frederick Charles resigned. On December 14th 1919, Carl G. Mannerheim became the new regent. In March 1919 the parliamentary majority (composed of Social-Democrats and Agrarians) agreed on that the Finland should become a republic. On July 19th 1919, Eduskunta adopted the Form of Government, the Swedish-type basic law, regarded to be most important part of the Finnish constitutional regulations.

According to this act, Eduskunta exercised the people's sovereignty. It performed the main role within sphere of legislative power, although in conjunction with the President of Republic (who was granted the right of legislative initiative as well as the right to suspensory veto). Eduskunta – the unicameral parliament, was elected by all citizens (including women) in general, direct, equal and proportional ballot for a three-year term. The division of powers and the method of election of the President (by electoral college independent from Eduskunta and also elected in general ballot) excluded the supremacy of Eduskunta over the President. The President's status as the "highest executive power", his long-lasting six-years term in office as well as the strong personalities of many Finnish presidents (like K.J. Ståhlberg, P.E. Svinhufvud, C.G. Mannerheim, J.K. Paasikivi and finally Urho K. Kekkonen) contributed to consolidation of the President's position as a stable pillar of Finnish politics. But on the other hand, Eduskunta rescued its powers of the central law-making body. It could not only pass ordinary laws, but, with special procedure, it could also amend or modify the constitutional acts. The ongoing political practice caused, in the situation of some constitutional understatements and, in addition, because of lack of stability of many coalition cabinets, the necessity of several "improvements" of constitutional rules dealing with relations between Eduskunta, the Council of State and the President. The new constitutional provisions (36a–36c) gave to Eduskunta basis for assessment of the Cabinet's programme, both at moment of its primary construction and when significant reconstructions were on their way to be introduced. They confirmed the requirement of parliamentary confidence both to the cabinet *in corpore* as well as to its individual members. But due to the competencies and the President's real influence, Finland remained to be the combination of the parliamentary system mixed with numerous components of the semi-presidential one.

At the beginning of the 1990s, Eduskunta initiated the constitutional reform aiming on re-defining the balance of "powers" and on strengthening of the Eduskunta's position vis-à-vis the Cabinet as well as in relations to the President. After long-lasting discussions, the Constitutional Committee of Eduskunta decided to merge dispersed (four) constitutional acts. On February 6th 1998 the new (second) modified draft was presented to Eduskunta and six days later it was approved (with some modifications) under the new name of *Suomen perustuslaki* (Constitution of Finland). The Constitution was voted once again (after the new Eduskunta election) on June 11th 1999 and it entered into force on March 1st 2000. The New Constitution enhanced the competencies of Eduskunta and consolidated its position as the sole legislative (statute-making) organ. The President has rescued his right to suspensory veto, but it may be quite easily turned down by Eduskunta. The President lost his previous competences to appoint the prime minister (transmitted to the Speaker of Eduskunta). The Cabinet (Council of State) must enjoy the confidence of Eduskunta and the dismissal of the prime minister results in the Cabinet's resignation. Eduskunta has received some new competencies in the sphere of European and foreign policy and, in particular, over the international treaties.